



THE EFFECT OF SOCIAL COMMUNITY CONTROLS ON INCREASING SEXUAL VIOLENCE AGAINST WOMEN

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Abstract

Women are creatures of God Almighty who must be protected, even though gender equality has been done with men. Therefore women must be protected from all forms of intimidation, harassment, exploitation, violence both physically and psychologically. Because the nature of women in the eyes of the social and religious eyes have differences with men, as the nature of women is the weakest god creature. Even in law, women have different protections compared to men. This writing is in the form of descriptive narrative which means describing using available legal materials which are then processed based on the theories obtained and using normative methods based on library studies, namely by collecting various kinds of literature consisting of books, journals, and documents others relating to violence and sexual harassment and social control of these crimes. Sexual crime experienced by women in Indonesia is caused by the weak social control in the community that makes the bond of social ties not well established, causing women to be lower in the eyes of the perpetrators who commit violence against women. report the actions that occur, thus there will be omission of these conditions so as to make the perpetrators freely commit sexual violence against women. Therefore the role of community social control is very necessary to protect women.

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INTRODUCTION

Women are very vulnerable to being victims of violence, both physical violence and psychological violence, moreover being victims of immoral violence both from the internal, namely the family (Incest) and external parties outside the family or the environment. The causes of victims of women can occur from internal and external factors. Internal factors, namely the victim itself which provokes a crime or commonly known as participating victims, that is someone who does not do but with his attitude actually encourages himself to become a victim. The external factor is the occurrence of victims rather than the victims themselves or can be said as unrelated victims, namely victims who have nothing to do with the perpetrators at all.

Natural human behavior should protect each other. Men should better protect the weaker people, whether male or female. However, in reality there are many who are victims of violence, especially victims of sexual violence, are women, so that the human dignity that is ideally upheld is actually abandoned, tainted and castrated and makes the act a

cruel and barbaric act. Violence, harassment and sexual exploitation not only afflicts adult women but also underage women (children). Crimes that occur as previously stated also do not only take place in the work environment or in public places that provide the opposite human opportunity to communicate, but can also occur in the family environment (Irfan, 2001: 6-7). Some of the crimes committed against women here limit it to the scope of the crime itself, which is only about crimes regarding sexual violence or other immoral acts.

Sexual violence itself is like rape or sexual harassment that often happens in Indonesia. Based on data reported by the National Commission on Violence Against Women Throughout 2016 there were reports of 259,150 and 34% violence against women sexual violence (Kompas, 2017). In 2017 Komnas Perempuan reported 348,446 cases of 2,979 or (31%) cases of sexual violence (SuaraNews, 2018). The increase in the report was greater than the previous year. Sexual violence is a term that shows deviative sexual behavior or deviant sexual relations, harms the victim and destroys peace in the community (Irfan, 2001: 32).

Sexual violence causes suffering for its victims has become a serious consequence that requires attention. Women should get protection from their families, the environment and the State, but in reality they have been neglected in providing security to women. The life of society which is currently colored by materialistic and hedonic life, will form individuals who only prioritize the fulfillment of physical needs even the State facilitates this. The rise of pornography and porno-action is evidence of how lust is left to demand satisfaction. The low level of public control also makes many cases not reported. As a result, the perpetrators are still free to roam and threaten the safety of women.

Weak and low social controls can increase the level of violence and sexual abuse. The role of social control is very important in suppressing the high rate of sexual violence against women. The role of social control is very important because the public's view of the crime is very influential, both in terms of actors and even from the point of view of the victim itself. The causes of the increase and failure of these cases are cases not reported by victims to law enforcement officers to be processed to the Court because of

several factors, including victims feeling embarrassed and unwilling to disgrace those who are known by others, or victims feeling afraid because they have been threatened by the perpetrator that he will be killed if he reports the incident to the police. This of course affects the mental / psychological development of the victims and also influences the process of law enforcement itself to realize a sense of justice for victims and society. Victim factors play an important role in being able to overcome or resolve cases of sexual violence. This requires courage from the victim to report the incident that happened to the police, because in general the victims experience threats that rape will be carried out again from the perpetrators and fear of getting a stigma from the community. On the contrary, currently there are symptoms of social control over the perpetrators getting weaker. Therefore the community and the government must be able to provide protection for the victims. Social control of completing cases of sexual violence against women has an important role. As the need for criminal politics is "protection of the community to achieve public welfare" (Arief, 2002: 1-2).

Stigmatization of the community towards victims is very influential even

more so now the angle has changed where social stigmatization is worse for victims and has an impact on the victim's psychological or psychological and mental stress. Based on the brief explanation of the background so that it is interesting to discuss, the authors take the title "The effect of social control of the community on the increasing crime of sexual violence against women"

RESEARCH METHOD

The method literally means "the way to". But if it is described based on habits the method can mean (Soekanto, 1986: 5):

1. A type of thinking used in research and assessment;
2. A technique that is common to science;
3. Certain ways to carry out a procedure.

Research methods are essentially able to provide guidance on the ways in which scientists study, analyze, and understand the environments they face (Soekanto, 1986: 6). In the systematics of writing there are 3 (three) materials used, the material used is legal material consisting of legal materials used. The material in writing consists of:

- a. Primary legal material, namely legal material consisting of interviews with resource persons who have mastered in their fields or who are certainly being or have experienced and understood in their fields and legislation that is sorted by hierarchy in the order of laws in Indonesia.
- b. Secondary legal material, namely legal materials consisting of:
 - 1) Text books written by influential legal experts;
 - 2) Legal journals;
 - 3) opinions of scholars;
- c. Tertiary legal material, namely legal material that provides guidance or explanation of primary legal material and secondary legal material which includes (Ibrahim, 2005: 296):
 - 1) Legal dictionary;
 - 2) Large Dictionary of Indonesian Language; and
 - 3) Encyclopedia.

So based on the brief description, the author uses a writing system in the form of descriptive narrative which means describing using legal materials available which are then processed based on the theories obtained and using normative methods based on literature studies, namely by collecting various kinds of

literature that consists of books, journals, and other documents relating to violence and sexual harassment and social control of these crimes. In this writing, the author describes the conditions in the community based on the data obtained and then processed with various kinds of theories and legal rules which are then analyzed to solve the problems mentioned above.

FINDING AND DISCUSSION

Modern society that is all complex as a product of technological progress, mechanization, industrialization and urbanization raises many social problems. The effort to adapt or adapt to modern society is very complex and it is not easy. Difficulties in making adaptations cause a lot of hesitation, confusion, anxiety and conflict, both open external conflicts, as well as internal ones in one's own mind that are hidden and closed in character. As a result, people develop behavioral patterns that deviate from general norms, by doing their own merits for their own benefit and personal interests, then disturbing and harming others.

In the development of society like this, cultural influences outside the

community system greatly influence the behavior of members of the community itself.

SOCIAL CONTROL: THEORY AND PRACTICES

There are several approaches to formulating the background of the emergence of crime according to Abdulsyani (1987), namely:

- a. A biological approach, namely an approach used in criminology to explain the causes or sources of crime based on the facts of biological processes.
- b. Psychological approach, namely the approach used by criminology in explaining the causes or sources of crime based on personality problems or psychological pressures that can encourage someone to do evil.
- c. Sociological approach, namely the approach used by criminology in explaining the causes and sources of the emergence of crime based on social interactions, social processes and social structures that exist in society, including elements of culture.

In the process of efforts to find the causes of the emergence of a crime, it is

necessary to consider the relationship between acts of crime and several factors that are considered as the cause. One of the causes of an evil deed is the causes of crime arising from environmental influences (Abdulsyani, 1987: 23-24). This premise illustrates that environmental factors make it possible to encourage human beings to be able to develop themselves and their abilities, especially with the presence of opportunities to imitate (community).

The influence of this social environment can then give rise to interactionist perspectives and criminal sociology which not only looks at the perpetrators of criminal acts as a central point, but also to the law and institutionalization, politics and so on. due to crime, it is not enough just to focus on criminals or criminology studies.

These theories in criminal sociology groups completely ignore the meaning of the biological and psychological structure of individuals. Theories in individual theory groups illustrate that behavior, especially bad behavior, is caused by something different in physical or mental condition. Sociological factor theories look for different causes in crime.

The theory that can be used to analyze the above problems is:

1. Theory of Strain (Strain Theories);

These theories focus on the influence of social pressure that causes people to commit crimes. In this grouping of theories, Anomie's theory from Emile Durkheim and Strain theory from Robert K. Merton will be discussed. The word Anomie was pioneered and first used by Emile Durkheim in his book "Suicide". In his book Durkheim describes the causes of suicide as a manifestation of an uncomfortable condition in oneself or individuals. Durkheim, uses the term *anomi* to describe the state of deregulation in society. Deregulation is a condition where the rules contained in society are not adhered to and people do not know what is expected of others (normless). The state of deregulation or normless is what causes behavior deviation (Veda, 1996: 29).

Merton uses the concept of *anomy*, by dividing social norms into two types, namely social goals and available means (acceptable means).

In society there are classes (lower class and upper class). These

community groups have different means and opportunities to achieve their life goals. As a result of these differences in certain groups there will be frustration, conflict, dissatisfaction and even deviant behavior. According to Weda (1996) the situation will be resolved or conflicts arise in the community will be influenced by the attitude of the community, which can be:

- a. Conformity (conforming), which is a condition in which citizens still accept the purpose and facilities contained in society because of moral pressure.
- b. Innovation, which is a condition in which the goals contained in society are recognized and maintained, but by changing the means to achieve that goal.
- c. Ritualism (ritualism), which is a condition in which the community rejects the stated goals and chooses the prescribed facilities.
- d. Withdrawal (retreatism), which is a condition in which citizens reject the purpose and facilities available in the community.
- a) Rebellion, which is a condition in which the objectives and facilities

contained in the community are rejected and try to replace or change completely.

2. Social Control Theory

Social control theories have a different approach, the theory is based on the assumption, that motivation to commit crime is part of the natural condition of humans. Consequently, social theories of control seek to discover why humans do not commit crimes.

The theory of social control was mainly developed in the United States and was first systematized by Travis Hirschi, and received increasing attention in the following years in the Netherlands. Definition of control theory refers to every perspective that addresses the issue of human behavior control (Hagan, 2013: 236). The theories included in the social control theory group are as follows:

- a. Social Bonds from Travis Hirschi;

As stated earlier, social control theory views crime from a different perspective. The starting point of the theory of social control is the answer to the question why not everyone commits a crime. The answer is, the emergence of delinquency if the bond

with life association becomes weak or cracked (Hagan, 2013: 238).

According to Hirschi there are four social bonds that encourage a person to be able to adjust to his environment so that he does not commit a crime:

- a) Attachment, involving yourself in the environment;
 - b) Commitment, attachment of someone to the system;
 - c) 3. Involvement, actively involved in the system;
 - d) Beliefs, believe in the values of social life.
 - e) The stronger the bond, the less likely the occurrence of irregularities.
- b. Containment Theory from Walter C. Reckless.

According to Reckless, to commit a crime or aberration, someone has violated something called outer confinement and confinement which together tends to isolate a person from both the urge and attraction.

Outside confinement, among others: rules that contain guidelines for human behavior, opportunities for individuals to obtain social status,

recognition of humans with other humans in groups etc.

Confinement in, among others: self-control, strong ego, high sense of responsibility etc. The possibility of irregularities is directly related to the extent to which internal drives (needs that must be met immediately) and external pressures (poverty, unemployment, closed opportunities) and external pulls are controlled by confinement in and outside confinement.

SEXUAL VIOLENCE: DEFINITION AND ITS LIMITATION

Definition of crime according to Gerson W. Bawengan in Irfan (2001) based on their respective uses, namely:

- a. Practical understanding
Crime in this sense is an understanding which is a violation of religious norms, customs, decency, and norms originating from customs which receive a reaction in the form of punishment or exception.
- b. Religious understanding
Crime in this religious sense identifies

the meaning of evil with sin, and every sin is threatened with the punishment of hellfire against a sinful soul.

c. Juridical understanding

Crime in a juridical sense here, can be seen in the meaning of the Criminal Law in the Second Book, special criminal offenses, military, fiscal, economic criminal law or on other provisions which call an act a crime.

Crime is suspected as a social problem because the impact caused by crime is very felt by the community in the form of being uneasy and safe for the community (Simandjuntak, 1980: 349). Crime is a social problem that needs to be overcome and solved together because of a person's behavioral abnormalities, disrupted social functions because of norms deviated from the criminals and so on.

Sexual violence is a term that refers to deviative sexual behavior or deviant sexual relations, harms victims and harms victims and destroys peace in the community. Article 1 of the Declaration on the Elimination of Violence Against Women states that what is meant by violence against women is any act based on gender differences which results in physical, sexual or psychological misery or

suffering, including threats of certain acts, coercion or robbery of arbitrary independence, both that occurs in public or in personal life.

Factors that cause sexual violence against women include:

- a. The influence of cultural developments that increasingly disrespect ethics;
- b. The low level of practice and appreciation of religious norms that occur in the community. Religious values that are increasingly eroded in society or horizontal relations patterns that tend to negate the role of religion are very potential to encourage someone to do evil and or harm others;
- c. Low levels of community social control, which means various behaviors that are suspected of being irregularities, violate laws and religious norms, which lack responsiveness and supervision from community elements;
- d. Judges' decisions that seem unfair, such as a fairly light verdict, are imposed on the perpetrator. It is possible to encourage other members of the community to do evil deeds. This means that those who want to do evil are not afraid of the legal sanctions they will receive.

THE EFFECT OF SOCIAL CONTROL TO THE PERPETRATORS AND VICTIMS OF SEXUAL VIOLENCE

1. Weak Social Control of Perpetrators of Sexual Violence

Sexual violence occurs because of the dominance of power from the perpetrators of the victims. In the social and cultural construction that developed in Indonesia which still adheres to the patriarchal system, sexual violence arises not only because men are physically stronger than women but also because men in social and cultural constructions occupy a higher position than women.

Since early on, there has been a conversation in the community if a bad boy is something normal while when a bad girl is something unusual. Then social control for women is greater than for boys. This continues in the pattern of relations between men and women. The influence of sexual violence often occurs with the identity of the perpetrator who has closeness to the victim, such as family relationships (grandfather, uncle, father,

brother), work relations, friendship (friend, lover), marriage relationship, relationships that occur in the social environment (school, campus, neighbors) etc.

Social control from the community can be in the form of preventive and curative actions. Preventive actions can be carried out by increasing awareness in the community that sexual violence no longer exists in the private sphere which is only the business of the perpetrators and victims but becomes a public matter where the community must increase its awareness before sexual violence occurs in its environment.

Preventive actions can be in the form of early identification of potential conflicts that occur in both the family and the environment around the residence, be aware of newcomers, curb visiting hours in the local environment, promote environmental security systems, etc. Curative actions can take the form of enforcing social sanctions against perpetrators of sexual violence, encouraging cases of sexual violence to be investigated through court.

Social control is one of the important factors to reduce crime rates. The existence of community supervision of behavior and enforcement of norms is

important to narrow the movement of perpetrators of crime. This condition applies also in cases of sexual violence against women. Strong social control of the perpetrators of fruitful crimes imposed by social sanctions from the community on the perpetrators is often more effective in causing deterrent effects and reducing the occurrence of immigration actions against these crimes.

But along with the society that has increasingly developed, human life will be more varied and complex, so scientifically criminality needs to be investigated carefully. The objective of investigating irregularities or crime in the present, according to Abdulsyani (1987) consists of three parts in outline, namely:

- a. About the complexity of society's social life;
- b. About variations in people's reactions to crime;
- c. About the extent of the ability of the justice system in overcoming crime activities.

Increasingly complex community development can lead to further weakening of social relations between individuals and groups, as well as between groups and groups within the community, so that it is possible that there are many

products of crime. According to Durkheim, the weakening of social ties is actually caused by the increasing division of labor, which can then occur when someone reacts with someone else. Such a state of society is very possible to have or the occurrence of differences in norms and values adopted. These differences in norms and values have many important influences, especially on the attitude of the community in determining and determining the basis of their reaction to crime.

In general, Durkheim concluded that the increasing complexity of society, the public's response to crime diminished. This condition is now happening in Indonesia, the development of society has made social ties become more slack, in this case modernity which leads to individualization and the influence of the media is felt to be very large.

A case in point is the former Acut Fikri regent of Garut who sexually assaulted an underage girl by marrying her *Siri* and finally divorced her the day after because when Aceng fsrewing up her, he felt that she was no longer a virgin (RMOL, 2012). When the media reported that the public condemned the action, it did not even require Aceng Fikri to be

tried in court but also had to step down from his position. The social control succeeded in bringing Aceng Fikri to the green table as well as being dropped from his position. But unfortunately, the social control of the community weakened as the media receded in reporting this. It was proven that Aceng Fikri was chosen to be a member of the West Java DPD with a significant voice, namely occupying the third device with a total of 1,139,556 votes.

2. Strengthening Stigmatization of Victims of Sexual Violence

It is not easy for victims to express their sexual violence, the position of women is always on the dilemma because if they demand through criminal law, they invite consequences other than because the legal process has not been on the side of women because they feel embarrassed if they are publicized by the media and the public.

Linda Suryani W and Sri Wurdani stated that, unlike other victims of conventional crime, victims of sexual violence experience physical and mental suffering. The victim's decision to report

an incident that befell him to the authorities is not an easy decision. Events that are so traumatic and embarrassing must be re-presented chronologically by the victim. Not yet the attitude and treatment of law enforcement officers who sometimes look at the victim, because the general view so far of victims of sexual violence is as a bad person who sells well. Examination procedures from the time of investigation, prosecution to examination in the court must be passed by the victim, just like other victims of crime when fighting for their legal protection rights. Not to mention the burden of proof that was inflicted on the victims. Such criminal justice processes add to the list of victims' suffering.

Community stigmatization of victims strengthened because news in the media often ignored the journalistic code of ethics. The press makes the victim an object of sale, sometimes the issue does not pay attention to the feelings, dignity and future of women. The identity of the victim is open in the eyes of the community and makes the burden of the victim increase because the stigmatization he experiences is valid for a lifetime, stamped as a victim of sexual violence will stick to him until the end of his life. This is

certainly not comparable to the social control carried out on the perpetrators who will end when the perpetrators have undergone social sanctions or criminal sanctions imposed on them. The worst thing about social control of victims is that often people act very recklessly by demanding that perpetrators of violence to marry victims. Of course this solution eliminates stigma that cannot be tolerated.

The press should when disclosing the crime of sexual violence against women have a perspective to protect victims by adhering to the journalistic code of ethics not to reveal the identity of the victim or even to provide support to the victim so that the case can be resolved legally. Systemically, the legal system must also be addressed so that legislation protects women, especially in terms of proof so as not to burden the victims, as well as law enforcement officers from the police, prosecutors and judges must have a victim perspective so that justice for victims can be realized.

Stigmatization is a form of social control that is counterproductive to the disclosure of crimes of sexual violence because it makes victims of violence reluctant to report the violence they experience.

CONCLUSION

The increasingly complex state of society allows for or the occurrence of differences in norms and values adopted. These differences in norms and values have many important influences, especially on the attitude of the community in determining and determining the basis of their reaction to crime. Durkheim in the Anomie Theory he put forward, generally concluded that the increasing complexity of society, the public's response to crime diminished. This condition is now happening in Indonesia, the development of society has made social ties become more slack, in this case modernity which leads to individualization and the influence of the media is felt to be very large. First, weakened social control from the community against perpetrators of crimes of sexual violence causes loss of supervision of the perpetrators and waning the deterrent effect on the perpetrators. Second, the strengthening of community stigmatization of victims has caused victims to be reluctant to report the violence they experienced. The two interlocking factors eventually created a space to increase sexual violence against women.

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